

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JOSEPH INGUI AND BELLA INGUI (Case No. 11053)

A hearing was held after due notice on October 1, 2012. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance of the front yard setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of 4.4 feet from the required 30 foot front yard setback requirement for a proposed dwelling. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located west of Road 273 (Country Club Road) north of Winner Circle, being Lot 30 within Stable Farm development; said property being identified as Sussex County Tax Map Parcel Number 3-34-19.00-1343.00. After a hearing, the Board made the following findings of fact:

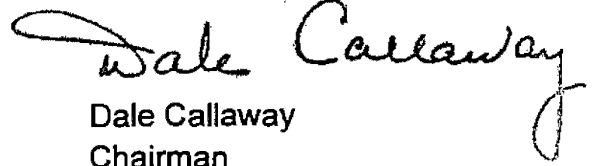
1. Joseph Ingui and Bella Ingui were sworn in and testified on behalf of the Application.
2. The Board found that Bella Ingui testified that the Applicants purchased the lot in October 2010 and that the Applicants currently live in the development.
3. The Board found that Bella Ingui testified that the lot is vacant and the Applicants have maintained the lot since purchasing it.
4. The Board found that Bella Ingui testified that the proposed two-story dwelling will be approximately 3,000 square-feet in size and that other homes in the development are larger than the proposed dwelling.
5. The Board found that Bella Ingui testified that the proposed dwelling is similar in size to all dwellings in the development.
6. The Board found that Bella Ingui testified that the Property is a corner lot which makes it unique.
7. The Board found that Bella Ingui testified that the variance, if granted, will not alter the character of the neighborhood and that the proposed dwelling will actually improve the character of the neighborhood.
8. The Board found that Bella Ingui testified that the variance requested is the minimum variance to afford relief.
9. The Board found that Bella Ingui testified that the Applicants intend to construct an attached garage so the Applicants will not need any additional storage.
10. The Board found that no parties appeared in opposition to the Application.
11. The Board found that two parties appeared in favor of the Application.
12. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique in size and is a corner lot. The variance will enable reasonable use of the Property. The difficulty was not created by the Applicants. The variance, if granted will not alter the essential character of the neighborhood. The variance sought is the minimum variance to afford relief.

The Board approved the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the Application was approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard. No Member voted against the Motion to Approve the Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


Dale Callaway
Chairman

If the use is not established within one (1)
year from the date below the application
becomes void.

Date November 7, 2012